

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 28 OF 2023**

Namdev Pandhari Chavhan ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. M.K. Bhosale for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 23 MARCH 2023

P.C. :-

. The applicant is an accused No.5 in Crime No. 874 of 2022 registered at Yavat Police Station, Pune for the offences punishable under Section 420 r/w. 34 of Indian Penal Code. He had filed an application for regular bail before the Sessions Court. The Sessions Court while releasing the applicant on bail had passed the following order:

“3. Applicant/accused No.5 namely Namdeo Pandhari Chavhan, R/o-Tal. Fardapurtanda, Tal. Soygaon, Dist. Aurangabad, be released on bail in Crime No.874/2022, registered with Yavat Police Station, for the offences punishable U/S. 420 R/w. 34 of the Indian Penal Code, on his executing P.B. of Rs.25,000/- along with surety in the like amount, on condition that, an amount of Rs.5,00,000/- (Rs. Five lakh only) shall be deposited in the Court of Ld. JMFC, Daund. The deposit of the said amount is condition precedent to release the said accused No.5 on bail. If said amount is not deposited in the Court, then said accused No.5 shall not be released on bail.

4. Accused No.5 is also directed to deposit the remaining amount i.e. Rs.9,00,000/- within three months i.e. up to 06.04.2023. Failure to deposit the said remaining amount will amount to cancellation of bail.”

2. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

3. The learned Counsel for the applicant submits that the Sessions Court erred in directing the applicant to deposit Rs. 14 lakhs and out of the said amount Rs. 5 lakhs as a condition precedent for release of the applicant. The learned Counsel for the applicant submits that the applicant at present is not in a position to pay the said amount, however, after his release he undertakes to pay Rs. 11 lakhs in 11 equal monthly installments and has filed the undertaking to that effect of the father of the applicant. The learned Counsel for the applicant submits that if this Court is not inclined to accept the said undertaking then, the applicant will deposit Rs.50,000/- before his release.

4. It appears that the amount in question was paid to the applicant for providing agricultural labourers, which the applicant failed to provide. Considering the facts and circumstances, I am not inclined to modify the order passed by the Sessions Court. However, the applicant is at liberty to move an applicant for modification before the Sessions Court after one month. Hence, the following order is passed :

(i) Application is disposed of in aforesaid terms.

(N.R. BORKAR, J.)

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signed by
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PRASHANT
DHURI
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